

REMARKS

The present Amendment is in response to the Office Action. Claims 5, 7, and 8 are cancelled, claims 1, 3, 6, 9, 10, and 13 are amended, and new claim 21 is added. Claims 1-4, 6, and 9-21 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. GENERAL CONSIDERATIONS

A. Claim Amendments and/or Cancellations

With particular reference to the claim amendments, Applicants note that while claims 1, 3, 6, 9, 10, and 13 have been amended herein, and claims 5, 7, and 8 have been canceled, such amendments and cancellations have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

B. Remarks

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified

and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicants, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

Applicants note as well that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teachings and purported prior art status of the cited references at any appropriate time.

II. PRIOR ART REJECTIONS

A. Rejection Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,850,388 to *Anderson* (“*Anderson*”). Withdrawal of the rejection of claims 5, 7, and 8 is respectfully requested as the rejection has been rendered moot by cancellation of those claims. Applicants respectfully traverse the rejection of pending claims 1-4, 6, and 9-20 in view of the following remarks.

Applicant respectfully notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *See Manual of Patent Examining Procedure* (“MPEP”) § 2131.

A. Claims 1-4

Claim 1 has been amended to incorporate the subject matter of canceled claim 5 and therefore now recites, among other things: “displaying an interface screen to the user, the interface screen comprising...a determined error representation,...wherein displaying the determined error representation further comprises highlighting a portion of a metric graph that corresponds to a particular error when a user selects the particular error.”

The Examiner asserted that *Anderson* teaches the aforementioned limitations. *See Office Action*, p. 4 (citing *Anderson* at col. 25, line 58 through col. 26, line 5). Applicants respectfully disagree. The section referenced by the Examiner describes details of different “views” (e.g., station list view and station details view) displayed by a protocol analyzer’s user interface. According to *Anderson*, the station details view can “highlight such factors as which stations are transmitting the most frames, ... etc.” However, highlighting “such factors” does not constitute the specific highlighting of “a portion of a metric graph that corresponds to a particular error,” as claimed. Moreover, the factors of *Anderson* are not highlighted “when a user selects the particular error,” as claimed. Instead, *Anderson* merely states “The scope and nature of the details displayed is arbitrary to the user.” Therefore, contrary to the Examiner’s assertion, *Anderson* does not teach the aforementioned limitations.

Therefore, because the Examiner has not shown that *Anderson* describes each and every claim limitation, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn. The rejection of dependent claims 2-4 should also be withdrawn at least because of their dependence from claim 1.

B. Claims 6-13 and New Claim 21

Claim 6, as amended, recites, among other things: “displaying a graphical user interface to the user, the graphical user interface comprising a first display screen containing a graphical representation of devices detected in the network topology; and linking the user to a second display screen containing errors determined in association with a particular device in the topology when the user selects the particular device in the first display.”

As a ground of rejection with respect to the aforementioned limitations, the Examiner appears to rely on the reasoning applied in the rejection of claim 2, which recites similar language albeit of different scope than claim 6. *See Office Action*, p. 4 (“Claims 6-20 do not teach or define any new limitation above claims 1-5; therefore, they are rejected for similar reasons.”) In rejecting claim 2, the Examiner referenced column 30, lines 26-57 of *Anderson*, which describes a user interface “capable of displaying detailed information about a particular event and the possible causes of the event in a hypertext format.” *See Anderson*, col. 30, lines 25-27 and Figure 21. However, the event information does not relate to “a graphical

representation of devices detected in the network topology” or “a...display screen containing errors determined in association with a particular device” as claimed.

Moreover, *Anderson* goes on to describe opening a window with more detailed information about an event by selecting “the event or statistic displayed by the user interface.” *See id.*, col. 30, lines 30-37 (emphasis added). In contrast, claim 6 recites “linking the user to a second display screen containing errors...when the user selects [a] particular device in the first display.” (Emphasis added.)

Therefore, because the Examiner has not shown that *Anderson* describes each and every claim limitation, Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection of claim 6, and corresponding dependent claims 7-13, should be withdrawn. Applicants further submit that new claim 21 is patentable at least by virtue of its dependence from patentable claim 6.

C. Claims 14-20

The Examiner alleged that claim 14 does not “teach or define any new limitation above claims 1-5; therefore, [claim 14 is] rejected for similar reasons.” *See Office Action*, p. 4.

Applicants respectfully disagree because, unlike any of claims 1-5, claim 14 recites a method comprising, for example: “providing links...operating to display a screen illustrating...the location of [an] error....” Therefore, should the Examiner continue to maintain this vague allegation, Applicants respectfully request a more specific explanation of how *Anderson* is believed to teach each and every element of claim 14. *See* 37 C.F.R. § 1.104(c)(2) (“When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable.”); *See also* MPEP § 706 (“The goal of examination is to clearly articulate any rejection...so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.”);

In view of the foregoing, the Examiner has not shown that *Anderson* describes each and every claim limitation. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejection of claim 14 and of corresponding dependent claims 15-20.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 25th day of April, 2008.

Respectfully submitted,

/Ronald J. Ward/Reg. No. 54,870

RONALD J. WARD

Registration No. 54,870

ERIC L. MASCHOFF

Registration No. 36,596

Attorneys for Applicant

Customer No. 022913

Telephone: (801) 533-9800